

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7227 PCB SPCSEP 10-02 Legislature  
**SPONSOR(S):** Select Policy Council on Strategic & Economic Planning; Carroll  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2284

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	Select Policy Council on Strategic & Economic Planning	16 Y, 0 N	Kelly	Bahl
1)	Rules & Calendar Council		Hassell	Birtman
2)				
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4)				
5)				

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**SUMMARY ANALYSIS**

This bill provides that the 2012 Regular Session of the Legislature will convene on January 17, 2012.

The next regular apportionment would occur in 2012. Traditionally, the Legislature fixes an early start date for the regular session in apportionment years—years in which the Legislature redistricts Florida’s state legislative and congressional district boundary lines.

- Chapter 2001-128, Laws of Florida, provided that the 2002 Regular Session convene on January 22, 2002.
- Chapter 91-90, Laws of Florida, provided that the 1992 Regular Session convene on January 14, 1992.

The Legislature advances the commencement of session in apportionment years in order that the redistricting plans can be timely submitted for review by the Florida Supreme Court and the United States Department of Justice, in sufficient time for qualifying for state and federal offices.

This proposal will help reduce the possibility of voter confusion in the 2012 election cycle

The bill does not have a fiscal impact.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

The Florida Constitution requires the Legislature, by joint resolution at its regular session in the second year after the Census is conducted, to apportion the State into senatorial districts and representative districts. The next regular apportionment would occur in 2012.<sup>1</sup> The Legislature also redraws its congressional districts in the same session that it apportions its state legislative districts.

Within 15 days after the Legislature adopts the state legislative districts, the Attorney General must petition the Supreme Court to review the apportionment plan. Subsection (c) of Section 16 of Article III of the State Constitution provides: "The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment." If the Court invalidates the apportionment plan, the Governor must reconvene the Legislature in an extraordinary apportionment session, not to exceed 15 days. Within 15 days after the adjournment of the extraordinary apportionment session, the Attorney General must petition the Supreme Court to review the apportionment plan adopted by the Legislature.<sup>2</sup>

The entirety of this review could take 30-60 days. Note, congressional redistricting plans are not subject to constitutionally mandated, automatic review by the Florida Supreme Court.

Section 5 of the federal Voting Rights Act (VRA) of 1965 requires states that comprise or include "covered jurisdictions" to obtain federal preclearance of any new enactment of or amendment to a "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting." This includes redistricting plans. Five Florida counties are covered by preclearance requirements of Section 5 of the Voting Rights Act: Those "covered jurisdictions" are Collier, Hardee, Hendry, Hillsborough, and Monroe counties.<sup>3</sup>

Florida must submit its state legislative and congressional plans for federal preclearance, through either a judicial or administrative process. States can seek a declaratory judgment from the U.S. District Court for the District of Columbia. However, generally, states will alternatively first submit a voting change to United States Department of Justice.<sup>4</sup> The Department of Justice has 60 calendar days in which to request more information, interpose an objection to the submitted change, or allow the

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<sup>1</sup> Article III, Section 16, Florida Constitution.

<sup>2</sup> Article III, Section 16, Florida Constitution.

<sup>3</sup> 42 U.S.C. Section 1973c.

<sup>4</sup> 28 C.F.R. Section 51.52.

submitted change to take effect.<sup>5</sup> If the Department of Justice requests additional information, it can add an additional 60 days to the period of review, from the date of the receipt of additional information.<sup>6</sup>

The entirety of federal preclearance could take 60 days at minimum. If either the Florida Supreme Court or the Department of Justice were to render a district or plan invalid, combined with legal challenges, the complete review of Florida's redistricting plans could be a four month process or longer.

Subsection (b) of Section 3 of Article III of the State Constitution provides: "A regular session of the legislature shall convene on the first Tuesday after the first Monday in March of each odd-numbered year, and on the first Tuesday after the first Monday in March, or such other date as may be fixed by law, of each even-numbered year." Because 2012 is an even-numbered year, the date the Legislature convenes may be changed by law.

If the 2012 Session were to convene the "first Tuesday after the first Monday in March—March 6, 2012—state legislative and congressional redistricting plans may not be completed by the Legislature until May. In 2012, qualifying for state and federal offices will occur during the week of June 18-22.<sup>7</sup> There is little likelihood that the redrawn maps would complete the mandated review processes before qualifying.

Therefore, this bill provides that the 2012 Regular Session of the Legislature will convene Tuesday, January 17, 2012. The 60-day session then will conclude Friday, March 16, 2012.

Traditionally, the Legislature fixes an early start date for the regular session in apportionment (redistricting) years.

- Chapter 2001-128, Laws of Florida, provided that the 2002 Regular Session convene on January 22, 2002.
- Chapter 91-90, Laws of Florida, provided that the 1992 Regular Session convene on January 14, 1992.

The earlier start date for the 2012 Regular Session will add two months to the period in which Florida's new districts can be reviewed and approved, prior to qualifying for state and federal offices. This is likely to help the completion of redistricting in 2012 in a timely manner, thereby reducing the possibility of candidate and voter confusion in the 2012 election cycle.

#### SECTION DIRECTORY:

Section 1. "In accordance with subsection (b) of Section 3 of Article III of the State Constitution and in lieu of the date fixed therein, the 2012 Regular Session of the Legislature shall convene on January 17, 2012."

Section 2. "This act shall take effect July 1, 2010."

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

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<sup>5</sup> 28 C.F.R. section 51.9; see also 28 C.F.R. section 51.37.

<sup>6</sup> 28 C.F.R. section 51.37.

<sup>7</sup> Section 99.061(1) and (9), Florida Statutes.

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or take any action requiring the expenditure of funds; reduce the authority that municipalities or counties have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Not applicable.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**